

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
Public Interest Obligations	)	MM Docket No. 99-360
Of TV Broadcast Licenses	)	
	)	
_____	)	

***Opening Comments of  
Community Technology Policy Council***

The Community Technology Policy Council (CTPC) is a collaboration of community-based organizations and individuals concerned about universal access to advanced technologies and the use of these technologies to enhance the delivery of services and promote the quality of life for all communities. CTPC focuses on the development of public policies and practices that increase access and promote relevant uses of technology in Asian American and Pacific Islander American (APA) communities.<sup>1</sup>

The APA population is the fastest growing racial group in the United States. Currently, it comprises about 3.8% of the U.S. population and is expected to grow to 9% by 2050. The APA population is extremely diverse, demographically and economically. It includes over 34 major ethnic groups, each with a different culture and set of customs, speaking more than 300

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<sup>1</sup> The members of CPTC are: Asian and Pacific Islander American Health Forum, Asian Community Mental Health Services, Chinatown Service Center, Leadership Education for Asian Pacifics, Local Initiatives Support Corp., MultiCultural Collaborative, National Asian American Telecommunications Association, Pacific Islander Community Council, Self-Help for the Elderly, Southeast Asian Community Center, Union of Pan Asian Communities and Caleb Zia.

languages and dialects. While many individuals in the APA communities are moving up the economic ladder, 14% live in poverty and face significant obstacles in accessing health care, social services and educational opportunities.

CTPC commends the Federal Communications Commission (Commission) for initiating this inquiry to examine the public interest obligations of digital television broadcasters. We believe that it is an important and timely inquiry and one that is entirely in keeping with the duties and responsibilities of this Commission.

***I. The Commission Has Broad Authority to Ensure that Television Broadcasters Serve the Needs and Interests of All Sectors of the Community.***

Since the enactment of the Communications Act of 1934, this Commission has had the obligation and the authority to ensure that television broadcasters that use the public airwaves serve the “public interest, convenience and necessity.”<sup>2</sup> In enacting the Telecommunications Act of 1996, Congress

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<sup>2</sup> Recently, this Commission stated:

This authority is based on several provisions of the Act. For example, Section 301 of the Act provides that no person can transmit radio signals in the U.S. except under a license granted by the Commission. 47 U.S.C. § 301. Section 303 authorizes the Commission to license and regulate use of the radio spectrum “as public convenience, interest, or necessity requires,” to “generally encourage the larger and more effective use of radio in the public interest,” and to enact regulations to carry out the provisions of the Act. 47 U.S.C. § 303(f), (g), and (r). The Supreme Court has held that Section 303(r) confers authority on the Commission to issue regulations codifying its view of the public interest licensing standard, so long as that view is based on consideration of permissible factors and is otherwise reasonable. *National Citizens*, 436 U.S. at 793. Section 307 directs the Commission to grant and renew station licenses “if public convenience, interest, or necessity will be served thereby.” 47 U.S.C. §

reaffirmed that television broadcasters continue to be obligated to serve the “public interest, convenience and necessity” even after they convert to digital technology. Section 336 provides:

Nothing in this section shall be construed as relieving a television broadcasting station from its obligation to serve the public interest, convenience, and necessity. In the Commission’s review of any application for renewal of a broadcast license for a television station that provides ancillary or supplementary services, the television licensee shall establish that all of its program services on the existing or advanced television spectrum are in the public interest. 47 U.S.C. Section 336.

In the 1996 Act, Congress also amended Section 1 of the Communications Act to make clear that the Commission’s mandate is to regulate interstate and foreign communications services so that they are “available, so far

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307(a), (b). Section 309 directs the Commission to determine whether the “public interest, convenience, and necessity will be served” by the grant of applications for licenses, license modifications, or license renewals. 47 U.S.C. § 309(a). Section 310(d) imposes the same standard on the grant of assignment and transfer applications. See 47 U.S.C. § 310(d). The 1996 Act modified the procedures for processing broadcast renewal applications and refined the standard to be applied by the Commission in determining whether to grant renewal applications. Prior to enactment of the 1996 Act, the grant of renewal applications was controlled by the general “public interest, convenience, and necessity” standard set forth in Section 309(a). As amended in 1996, the Communications Act directs the Commission to grant a broadcast renewal application if it finds, with respect to the station at issue, that the licensee has served the public interest, convenience, and necessity; the licensee has not committed any serious violations of the Act or the FCC’s rules; and the licensee has not committed a series of violations of the Act or rules that constitute a pattern of abuse. 47 U.S.C. § 309(k). The 1996 amendment thus makes it clear that the public interest standard is broader in scope than compliance with specific provisions of the Communications Act or the Commission’s Rules. [\*60] *In the Matter of Review of the Commission’s Broadcast and Cable Equal Employment Opportunity Rules and Policies and Termination of the EEO Streamlining Proceeding*, Report & Order, MM Docket No. 98-204; MM Docket No. 96-16, February 2, 2000 Released; Adopted January 20, 2000, (hereafter *EEO Order*), 2000 FCC LEXIS 490, \*59, (*emphasis added*).)

as possible, to all people of the United States, *without discrimination on the basis of race, color, religion, national origin, or sex ....*” 47 U.S.C. Section 151, (italicized clause added by the 1996 Act.) The Commission has stated

This recent amendment, which applies to all entities subject to the Communications Act, amplifies the Commission’s general public interest mandate to ensure that broadcasting and other programming services ***serve the needs and interests of all sectors of the community, and more specifically that such services shall be provided to all Americans without discrimination on the basis of race or any other suspect classification.*** (*In the Matter of Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies and Termination of the EEO Streamlining Proceeding, Report & Order, MM Docket No. 98-204; MM Docket No. 96-16, February 2, 2000 Released; Adopted January 20, 2000, (hereafter EEO Order), 2000 FCC LEXIS 490, \*59, (emphasis added).*)

Sections 303(r) gives the Commission broad authority to adopt rules to ensure that television broadcasters meet their public interest obligations.

## ***II. The Commission Must Consider the Changing Needs of the American Public.***

The “public interest, convenience and necessity” was not meant to be a static concept but a flexible standard that would enable the Commission to take into account the changing needs of the American public and changes in broadcast technology. Since the public interest standard was enacted nearly seventy years ago, the size, composition and needs of the American public have changed significantly.

In 1930, the population of the United States stood at approximately 123 million. The Census Bureau projects that as of July 1, 2000, the total U.S.

population will have more than doubled to over 275 million. Census Bureau, Projections of the Resident Population by Race, Hispanic Origin and Nativity, 1999 and 2000, January 13, 2000.

The American public has also grown considerably more diverse especially over the last forty years. In 1960, the foreign-born population in the United States was only 9.6 million (5.4 percent of the population), with 75% of foreign-born Americans coming from Europe. U.S. Census Bureau, Table 1. Nativity of the U.S. Population and Place of Birth of the Native Population: 1850 to 1990, March 9, 1999 and Table 2, Region of Birth of the Foreign Born Population, March 9, 1999. According to the 1990 census, the foreign-born population was 19.8 million (7.9% of the population), with 44 percent of foreign-born Americans coming from Latin America, 26.3 percent from Asia and 23 percent coming from Europe. *Id.*

These trends are continuing. The Census Bureau projects that as of July 1, 2000, the foreign-born population will climb to 26.8 million and by 2005, it will climb to over 30 million (10.6 percent of the population), with continuing growth in the Hispanic and Asian and Pacific Islander foreign-born populations. Census Bureau, Projections of the Resident Population by Race, Hispanic Origin and Nativity, 1999 and 2000 and 2001 and 2005, January 13, 2000. These demographic changes have led to greater diversity in our cultures, traditions and language.

Also, because of these changes, the needs of the American public have changed. For example, according to the 1990 Census, there are more than 31.8

million people in the United States who speak a language other than English at home, an increase of more than one-third since the 1980 Census. About 14 million or 44 percent of these people reported that they had some difficulty with English. Census Bureau, Table 1. Language Use and English Ability, Persons 5 Years and Over, by State: 1990 Census, at <http://www.census.gov/population/socdemo/language/table5.txt>.

Not surprisingly, our most recent immigrants are more likely to be in this category. For example, among Chinese, Korean and Vietnamese speakers at least 60 percent reported speaking English less than very well. Among Spanish speakers, 48 percent said they had difficulty with English. Language Spoken at Home, Bureau of the Census, Census Questionnaire Content, 1990 CQC-16, pp.1-2.

Taking into account the language ability of an individual's entire household, the Census Bureau reports that there are nearly 8 million persons in the U.S. who live in households that are linguistically isolated. A linguistically isolated household is defined by the Census Bureau as "one in which no person 14 or older speaks English at least very well." California had the largest number of persons living in such households (nearly 2.7 million), followed by New York (1.0 million), Texas (988,458), Florida (547,169), Illinois (370,081), New Jersey (329,111) and Massachusetts (199,367). (See Table 1, Language Use and English Ability, Persons 5 Years and Over, by State, 1990 Census, found at <http://www.census.gov/population/socdemo/language/table1.txt>)

The consequences of these demographic changes are significant and far-reaching. Recently, the General Accounting Office, described the implications for this country's public schools stating:

The number of students with limited English skills has grown over the past 10 years. Between 1990 and 1997, the most recent year for which data are available, the number of students with limited English proficiency increased by an estimated 57 percent—to approximately 3.5 million. These children are among the most educationally disadvantaged of all populations attending the nation's elementary and secondary schools. In 1992, students speaking English with difficulty dropped out of schools at four times the rate of their English-fluent peers, and also had higher rates of grade repetition. General Accounting Office, *Title I Services Provided to Students With Limited English Proficiency*, GAO/HHS-00-25, December 1999, p. 1.

This is of particular concern in APA communities where approximately 75 percent of Asian Pacific American school-age children are foreign-born or the children of recent immigrants. *An Invisible Crisis: The Educational Needs of Asian Pacific American Youth*, Asian Americans/Pacific Islanders in Philanthropy, 1997, p. 10-11.

We urge the Commission to take these changes in the composition and needs of the American public into account in this proceeding. In light of these changes, the Commission should be asking:

- How can digital television technology enrich the education of all children including those with limited English skills?

- How can digital television technology support civic education, political debate, citizenship and democracy in our increasingly diverse society?
- How can we ensure that all communities (including minority and ethnic communities) have access to the ideas and information provided by digital television technology?

### ***III. Digital Television is a Significant Advance in Television Technology with Immense Potential to Serve Underserved Communities.***

In addition to the changing needs of the American public, this Commission must also consider how changes in technology affect the ability of broadcasters to serve the public interest. In *FCC v. Pottsville Broadcasting Co.*, 309 U.S. 134, 138 (1940), the U.S. Supreme Court stated “Underlying the whole (Communications Act) is recognition of the rapidly fluctuating factors characteristic of the evolution of broadcasting and of the corresponding requirement that the administrative process possess sufficient flexibility to adjust itself to these factors.”<sup>3</sup>

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<sup>3</sup> In *Cellular Mobile Systems v. FCC*, 782 F.2d 182, 197 (D.C. Cir. 1985), the D. C. Circuit stated

The Supreme Court has previously observed that the Communications Act is a “supple instrument for the exercise of discretion by the expert body which Congress has charged to carry out its legislative policy.” *FCC v. Pottsville Broadcasting Co.*, 309 U.S. 134, 138, 84 L. Ed. 656, 60 S. Ct. 437 (1940). True to the teaching of *Pottsville Broadcasting*, courts have since recognized that “as technology develops and the field of communications changes, procedural, as well as substantive, policy must be flexible.” [*citations omitted*].



For over 70 years, television broadcasters have used analog technology to provide the current level of service to the public. Over the next several years, digital technology will significantly expand the capabilities of broadcasters, enabling them for the first time to air High Definition Television programming, multi-cast several programs at the same time, and offer a wide variety of video and data services to the public.

There is broad consensus that this technological change is of immense public importance. Describing some of the new capabilities of digital television, the Advisory Committee on the Public Interest Obligations of Digital Television Broadcasters (Advisory Committee) stated:

The television medium, in short will become more versatile, flexible and abundant. The sheer capacity of digital television will also allow specialized interests and needs to be met more effectively. New openings for political discourse and invigorating democratic deliberation will be possible. New ways to meet the educational needs of Americans can be developed. The work of schools, libraries, training centers, and distance education can be enhanced. One can imagine new communications venues for diverse groups in each community. Digital technology can also help improve early warning of impending natural disasters, and enhance the opportunities for individuals with hearing and vision disabilities to receive programming and communications.”

*Charting the Digital Broadband Future*, December 18, 1998, p. 2, (hereafter Advisory Committee Report). The Commission must ensure that broadcasters use these new capabilities in ways that meet the needs of all segments of the community.

#### ***IV. Comments on Specific Issues.***

##### ***A. Challenges Unique to the Digital Era.***

We believe that broadcasters should be able to choose which of the new digital television capabilities they will employ, but, once they have chosen to implement a capability, broadcasters should use that capability to serve all segments of the community. For example, broadcasters who choose to broadcast programming High Definition Television (HDTV) format should use HDTV to serve the interests and concerns of all members of society including minorities. Broadcasters who choose to multicast should use multicasting in like fashion. Broadcasters who also choose to provide ancillary and supplementary services should also use those capabilities in like fashion.

We agree with People for Better TV that one of the ways that broadcasters could meet this obligation is to provide a minimum of seven hours each week for quality educational programs or significant educational services (such as data transmission for schools) to students of all ages. We also agree that there should be limits on commercials during children's programming and greater parental control over programming by requiring improved content ratings. We also agree that broadcasters that choose to implement datacasting should transmit information on behalf of local schools, libraries, community-based organizations, governmental bodies, and public safety institutions.

### ***B. Disclosure Obligations.***

We agree with People for Better TV that digital television broadcasters should be required to reach out to all segments of the community (including low income, minority and ethnic communities) to ascertain the needs of the community. In areas where there are significant numbers of non-English speakers and limited English speakers, digital television broadcasters should conduct outreach in multiple languages, reach out to community based organizations, seek public input through ethnic newspapers, and employ other measures to determine community needs.

We also agree with the Advisory Committee that digital television broadcasters should be required to make enhanced disclosures of how they have met their public interest obligations (including contributions to political discourse, public service announcements, children's and educational programming, local programming, programming that meets the needs of underserved communities and community-specific activities). Digital television broadcasters should also be required to identify any announcements, programming, services, etc. presented in languages other than English, with closed captioning and/or with video description. This information should be made widely available to the public through newspapers and the Internet.

### ***C. Disaster Warnings.***

Broadcasters should be required to use the enhanced capabilities of digital television to improve the transmission of disaster and emergency

information to the public. We agree with the Advisory Committee that “Digital technology will provide many new and innovative ways to transmit warnings to people at risk, including ways to warn individuals who have hearing and vision disabilities, and even to pinpoint specific households or neighborhoods at risk.” Advisory Committee at. p. 60.

These same capabilities also should be used to meet the needs of non-English speakers. Currently, disaster and emergency information are often communicated only in English even in areas where there are significant concentrations of non-English and limited English speakers. For example, following the 1989 Loma Preita Earthquake, television stations in San Francisco did not transmit emergency information in Chinese even though many buildings in San Francisco’s Chinatown sustained significant damage. As a result, many Chinatown residents did not receive timely information concerning matters such as whether it was safe to enter damaged buildings and whether it was safe to use electric, gas, or water service. Ultimately, community based organizations stepped in to provide this information in Chinese, on a street-by-street, door-by-door basis. Non-English speaking and limited English speaking residents in other areas would also have benefited if emergency information had been broadcast in multiple languages.

Digital television technology significantly expands the ability of broadcasters to meet this need. In particular, multicasting, which enables broadcasters to transmit up to 5 standard digital television signals simultaneously, would enable broadcasters to transmit disaster and emergency

information in a number of different languages. Digital television also provides for new kinds of video and data services. While these services have been considered largely in the context of their revenue producing ability (e.g., delivering music, video stock prices, sports scores, classified advertising, paging services, zoned news reports, advertising targeted to specific television sets, etc.), the same technology could be used to supply information to non-English speakers in a disaster or emergency situation.

#### ***D. Minimum Public Interest Obligations.***

We strongly agree with the Advisory Committee's recommendation that the Commission should adopt minimum public interest requirements for digital television broadcasters. Voluntary standards by the National Association of Broadcasters (NAB) are not sufficient to ensure that broadcasters "serve the needs and interests of all sectors the community." As a voluntary trade association, the NAB has no ability to ensure that non-members comply with any standards that it might adopt. In addition, the NAB's ability to enforce standards even as to its members is extremely limited.<sup>4</sup>

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<sup>4</sup> A recent analysis of the effectiveness of industry self regulation to ensure that broadcasters meet their public interest obligation states:

While the NAB may agree to self-regulation to avoid government regulation, it is unlikely to commit the necessary resources to make self-regulation effective. As demonstrated above, when the former Television Code existed, little attention and few resources were devoted to enforcing the program provisions compared to the advertising provisions. This may have been in part due to the fact that program provisions were vague and thus it was more difficult to evaluate compliance. Similarly, many of the proposed provisions in the Model Code are vague and not easily measured or enforced.

Nor are market forces sufficient to ensure that broadcasters “serve the needs and interests of all sectors of the community.” Market forces may cause broadcasters to respond to the needs and interests of some (but not all) segments of the community. For example, despite the large number of individuals with hearing and visual disabilities, broadcasters have been slow to adopt closed captioning and video description. Similarly, despite large and growing numbers of non-English and limited English speakers persons, broadcasters have been slow to offer news, entertainment or public affairs programming and even disaster or emergency information in languages other than English. Indeed, instead of expanding news and other programming in languages other than English, economic forces may cause broadcasters to eliminate such programming. For example, a San Francisco television station provided a Chinese-language radio simulcast of its local news program. Several years ago, this service was ended despite its importance to the large Chinese-speaking community in the Bay Area.

We further question whether this Commission may rely on market forces alone to ensure that broadcasters serve the public interest, convenience and necessity. If this were the case, the public interest obligation contained in numerous provisions of the Communications Act would be entirely superfluous. By affirmatively requiring that broadcasters serve the public interest and giving the Commission broad authority to enforce this obligation, Congress clearly

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Based on this and other defects in the voluntary code of conduct proposal, the article concludes “In sum, past experience with self-regulation of the media provides little hope that the Advisory Committee’s recommended voluntary code for digital television will be

thought that market forces alone would not be sufficient to ensure that broadcasters served all segments of the community.

We further agree with the Advisory Committee's recommendation that minimum public interest requirements should include community outreach, accountability, public service announcements, public service programming and closed captioning. The Commission should specify a minimum commitment to public service announcements and public service programming with emphasis on local issues and needs. It should also require that public service announcements and public service programming air in visible time periods during the day and evening. Currently, many public service announcements and programming are aired late at night when there are the fewest viewers. Public service announcements and public service programming should also have closed captioning and be in multiple language where there are a significant number of non-English and limited English speakers in the community.

#### ***E. Enhancing Access to the Media.***

We strongly agree that this Commission should continue to adopt policies to “enhance access to the media by all people including people of all races, ethnicities, and gender and most recently disabled persons.” Notice of Inquiry at para. 23.

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successful.” Campbell, Self-Regulation and the Media, 51 *Fed. Comm. L.J.* 711, May 1999.

## **1. Disabilities.**

The Commission should ensure that the expanded capabilities of digital television be used to meet the needs of individuals with disabilities.<sup>5</sup> This includes providing closed captioning for public service announcements, public affairs programming, and political programming. Viewers should be able to change the size of captions enabling them to see both captions and other text appearing on the screen. The Commission should also ensure that broadcasters use digital technology to provide video description.

The Commission must also ensure that ancillary and supplementary services offered to the public are accessible to and usable by the greatest number of people including persons with disabilities.<sup>6</sup> To this end, consumers

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<sup>5</sup> Recently, this Commission stated:

Our nation has an estimated 54 million Americans with disabilities. Persons with disabilities are the largest minority group in the United States, yet despite their numbers, they do not experience equal participation in society. Statistically, most Americans will have a disability, or experience a limitation, at some point in their lives. While only 5.5% of persons 15-24 years of age have some degree of functional limitation, 23% of persons in the 45-54 age range experience some functional limitation. The percentage of those affected by functional limitations increases with age: 34.2% of those aged 55-64; 45.4% of those aged 65-69; 55.3% for those aged 70-74; and 72.5% for those aged 75 or older. The number of persons with functional limitations will also increase with time. Today, only about 20% of Americans are over age 55, but by the year 2050, 35% of our population will be over age 55." (*In the Matter of Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934, as Amended by the Telecommunications Act of 1996*, Report and Order and Further Notice of Inquiry, WT Docket 96-198, Adopted July 14, 1999, Released September 29, 1999, (hereafter *Section 255 Order*) at para. 2.

<sup>6</sup> In other proceedings, this Commission has recognized how universal design improves products and services for all consumers. See *255 Order* at para 7 and 50, fn. 38 describing universal design as "a concept of philosophy for designing products and service that are usable by people with the widest possible range of functional capabilities...."



with disabilities should be included in product research projects, focus groups, and product trials to enhance the usability of these services. See *255 Order* at para. 29. These requirements should be established at the outset to avoid the need for costly retrofitting.

## **2. Diversity.**

This Commission has repeatedly stated that one of the most important objectives of the Communications Act is to promote diverse programming -- “programming that airs different points of view and reflects the needs and interests of all sectors of the community, including minorities and women.” *EEO Order*, 2000 FCC LEXIS 490, \*60. Courts have also stated that “Section 307(b) encompasses not only the reception of an adequate signal but also community needs for programs of local interest and importance and for organs of local self-expression.” *Pinellas Broadcasting Co. v. FCC*, 230 F.2d 204, 206 *cert. denied*, 350 U.S. 1007 (D.C. Cir. 1956).

We are still far from achieving these objectives. Despite changing demographics, it is still rare to find a television station that truly serves APA communities. In Los Angeles and the San Francisco Bay Area, for example, (two areas with large Asian and Pacific Islander communities), there is only one broadcast station that airs any programming in Asian or Pacific languages. It is even rarer to find a station that produces any local news or local public affairs programming in Asian or Pacific languages.

Digital television technology significantly expands the capacity of broadcasters to “reflect the needs and interests of all sectors of the community.”

Regarding multicasting, the Advisory Committee states:

A multi-channel digital broadcasting model could, of course, include program streams that are “narrowcasts” aimed at distinct audiences, including minority groups and other underserved communities. Multiplexing could also create new opportunities for minority entrepreneurship through channel leasing agreements, partnerships, and other creative arrangements.

Advisory Committee Report at p. 63. The Advisory Committee also states that “[E]nhanced audio capability will also facilitate increased use of foreign language audio tracks to expand the usefulness and entertainment value of broadcast programming for minority communities.” *Id.* In addition, as stated above, digital television also provides for new kinds of video and data services which could be tailored to meet the needs of non-English speakers, ethnic and minority communities. The Commission should ensure that digital television broadcasters use these new capabilities to deliver programming that meet the needs of ethnic communities.

For example, in APA communities, there is a critical need for citizenship information, language instruction, information about immunization and basic health care, and local news, which could be provided through innovative use of multi-casting, enhanced audio, and datacasting capabilities. The benefits would be magnified if digital television broadcasters would work in conjunction with local schools, libraries, public officials, and community based organizations. The

Commission should also ensure that broadcasters take steps to promote diversity in hiring, promotion, contracting, as well as programming.

#### ***F. Enhancing Political Discourse.***

We agree that this Commission has a responsibility to ensure that broadcasters use the expanded capabilities of digital television to enhance political discourse. Television has been and continues to be the single most important means both for candidates to reach voters and for voters to learn about candidates running for office. Nonetheless, television falls far short of fulfilling of its potential to serve our democracy. Currently, almost all of the political coverage focuses on presidential candidates and on occasion a high profile statewide campaign. There is little or no television coverage of other races such as state legislative races, local offices and ballot measures.<sup>7</sup>

We agree that as part of their public interest obligation television broadcasters should be required to provide a reasonable amount of time each night to national and local candidates during the 30-day period before an election. Requiring that broadcasters provide time for political discourse will help to lower the barriers that currently make it difficult for candidates (especially new candidates and candidates for state and local offices) to communicate with voters. We also hope that when combined with the multicasting capability of digital television, this requirement would also enable candidates to discuss how

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<sup>7</sup> For instance, parents in APA communities in Los Angeles who are desperately interested in improving the level of their local public schools see far more coverage about the U.S. Senate race in New York State in which they cannot vote than about local school bond measures on which they can vote.

they would address the needs and concerns of specific communities. We further agree that the Commission should prohibit broadcasters from adopting blanket bans on the sale of airtime to state and local candidates.

### ***Conclusion***

For nearly seventy years, this Commission has defined and redefined the public interest obligation of television broadcasters to ensure that broadcasters serve all segments of the community. Over this extended period, the Commission has considered changes in broadcast technology and the needs of the American public including the needs of ethnic and minority communities and, more recently, individuals with disabilities.

With the conversion to digital television technology, this Commission has an opportunity to reaffirm that broadcasters who use the public airwaves have an obligation to serve all segments of the public. In addition, this Commission should provide reasonable clarity to broadcasters and the public concerning what this obligation will entail. Accordingly, we urge the Commission to issue a Notice of Proposed Rulemaking to establish minimum standards regarding the public interest obligations of digital television broadcasters.

Dated: March 27, 2000

Respectfully submitted,

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